

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LUIS FABELO PLASENCIA,

Civil No. 06-1426-AS

Plaintiff,

ORDER

v.

DR. TONY CARNEVALE, et al.,

Defendants.

ASHMANSKAS, Magistrate Judge.

Plaintiff, an inmate at the Oregon State Penitentiary, brings this civil rights action pursuant to 42 U.S.C. § 1983 *pro se*. Currently before the court is Plaintiff's motion for extension of time to file a response to Defendant Carnevale's Motion to Dismiss Plaintiff's Complaint. For the reasons that follow, Plaintiff's motion is DENIED.

Defendant Carnevale filed his motion to dismiss Plaintiff's Complaint on September 14, 2007. Plaintiff was initially given 30 days to file a response to the motion. The court subsequently granted Plaintiff's four requests for extension of time, ultimately setting January 25, 2008, as the due date for

Plaintiff's response. In the court's most recent order granting Plaintiff's request for extension, the court advised Plaintiff that no further requests for extension would be granted.

Notwithstanding the court's directive, Plaintiff now seeks another extension of time. Plaintiff claims he had to have the motion to dismiss translated into Spanish, and that he has limited access to law library facilities to prepare his response. The court notes, however, that in the time since Defendant Carnevale's motion was filed, Plaintiff filed two separate motions to compel discovery and that Plaintiff has filed many pleadings, motions, and other documents with the court indicating a proficiency in English.

Given the length of time since Defendant Carnevale's motion to dismiss was filed, the number of extensions previously granted to Plaintiff, the notice given Plaintiff concerning further requests for extension, and the lack of compelling circumstances noted in Plaintiff's latest motion, the court finds no further extension of time is warranted. Accordingly, Plaintiff's motion is DENIED. Defendant Carnevale's Motion to Dismiss is taken UNDER ADVISEMENT this date.

IT IS SO ORDERED.

DATED this 24th day of January, 2008.

/s/ Donald C. Ashmanskas

Donald C. Ashmanskas

United States Magistrate Judge